

UNSOLICITED ENGO LECTURE BOMBS

TRUE COPY OF A LETTER FROM MR.DONALD RATHWELL, WARDEN OF RENFREW COUNTY
to
MS. CAROLINE SCHULTZ, EXECUTIVE DIRECTOR OF ONTARIO NATURE
as
PUBLISHED FEB.18/10 AT PEMBROKE, ONTARIO 0 IN “THE DAILY OBSERVER” NEWSPAPER

Dear Ms. Schultz:

**RE: Letter of December 2, 2009 from Ontario Nature to Mayors Campbell, Mintha, Visneskie and Sweet
Endangered Species Act (ESA)**

At the meeting of the Development and Property Committee of January 12, 2010, the above letter from Ontario Nature was reviewed. Your letter states that for Ontario Nature it is “...deeply disturbing that elected officials are making the following mistakes regarding the ESA.

I can assure you, Ms. Schultz, that the elected officials mentioned in your letter (Mayor Mary Campbell, Mayor Zig Mintha, Mayor Janice Visneskie and Mayor Bob Sweet) have made no mistakes in interpreting the impact of the ESA on the communities of the County of Renfrew. In fact, from your letter, it seems that you are interpreting several very important aspects of the wood turtle regulation and its implementation in the Province of Ontario. As Ontario Nature was one of the few stakeholders that the Government of Ontario consulted with during the drafting of the legislation and regulations, this is truly disturbing for the residents of rural Ontario.

The following aspects of your letter (in quotes) are totally incorrect.

“For southern populations (i.e. populations located in the municipalities of Halton, Niagara, Waterloo, and counties of Huron, Renfrew and Simcoe) wood turtle habitat is protected within two kilometers of their occurrence up and down stream and waterways - not six kilometers as stated in the Daily Observer article. Furthermore, in the south, 200 meters – not 500 – of the shoreline on either side of the watercourse are protected. Neither the northern nor southern habitat definition includes an area of 12 square kilometers as claimed in the article.”

Wood turtles in the County of Renfrew are not considered part of the southern population, but are included in the northern population, along with wood turtle populations in the territorial districts of Algoma, Nipissing and Parry Sound and the City of Sudbury (see Section 2 of Ontario Regulations 437/09, amending Ontario Regulation 242/08).

Ontario Regulation 437/09 also defines wood turtle habitat for northern populations as follows:

2.I. any part of a river, stream or other water body, up to the high water mark, that is being used by a wood turtle or on which a wood turtle depends in order to carry on its life processes

II. any part of a river, stream or other body of water up to the high water mark that is within 6000 meters of the area described in subparagraph 1 and that provides suitable conditions for a wood turtle to carry out its life processes

111. the area above the high water mark that is within 500 meters of an area described in subparagraph I or II

On December 4, 2009, in a presentation to the officials of the County of Renfrew, Mark Rondeau, Director of Species at Risk, Ontario Ministry of Natural Resources, confirmed that for a known occurrence or use the area identified as habitat would be 6000 meters upstream and downstream and for a width of 500 meters from the high water mark.

Therefore, for a single occurrence or use by a wood turtle an area of 12 square kilometers (3000 acres) is the protected area.

“According to the Daily Observer county councilors expressed concern that the Ministry of Natural Resources (MNR) added some 43,000 acres of new private land for the protection of wildlife. This figure is unsubstantiated. The amount of land protected for at-risk turtles has never been publicly released because the province doesn’t want poachers to discover the turtle’s whereabouts. Did this claim form the basis of the county council request that the wood turtle habitat regulation be revised? In the interest of making an informed decision, the council should revisit and base it on correct information”

The 43,000 acres referred to is the correct figure related to the protection of wildlife in the County of Renfrew. For development review purposes under the Planning Act, the Pembroke District of the Ministry of Natural Resources recently identified 43,000 acres of private land as an area of land requiring notification and review by MNR related to the ESA and Ontario Regulation 437/09 (wood turtle). In terms of “turtle’s whereabouts”, this information has not been released.

The 43000 acres of private land relates to the regulation for only one species with regulations for as many as 80 species to be developed.

“Mayor Mary Campbell notes the lack of science and transparency behind the selection of these lands and, moreover, that the wood turtle habitat regulation was formulated in a single, downtown Toronto meeting. Neither of these claims is true. In fact, the wood turtle is based on recommendations from the wood turtle recovery team. Nor did the process lack transparency. The recovery strategy for the wood turtle was posted on the Environmental Registry”.

In terms of science and transparency, the science has not been peer-reviewed and other than five environment groups (including Ontario Nature) that managed to convince the Ontario government not to include any other stakeholders on their expert panel that drafted the ESA, the “science” behind the ESA has been anything but transparent.

Although I’m certainly not a scientist, if the “science” that the ESA is based on is not more scientific than the “personal comments from field notes that are mentioned in the Wood Turtle –Ontario Recovery Strategy Series (one personal comment mentions that wood turtles have been documented to move up to 12km along a stream) it is truly a sad day for public policy in the Province of Ontario. I would be very interested in reviewing the scientific justification of a 1,500 acre protected area for wood turtles in southern Ontario versus a 3,000 acre protected area in Renfrew County.

I would also like to note that in formulating public policy science is one factor and an important one. However, the formulation of good public policy requires consideration of many factors. According to Mark Rondeau’s presentation to the County of Renfrew, the ESA aims to balance social and economic well being. To date I have seen no evidence that the social and economic well being of the residents of the County of Renfrew (or any other area of rural Ontario) has been anything but an afterthought for those that drafted the ESA, including the members of Ontario Nature.

In terms of transparency, the Environmental Registry is not an appropriate means of notification or consultation. Of the hundreds of private properties in the County of Renfrew, it would be a challenge to find one property owner that is aware of the ESA and its effect on the use of property. The Environmental Registry is a means for the province to “go through the motions” of consultation. On the other hand, for municipalities implementing policies related to land via the Planning Act, the province requires numerous notifications to property owners and public meetings that are truly intended for consultation before decisions are made.

“Now that you have more accurate information with respect to the ESA and wood turtle regulations, I look forward to a response letting us know when and how you will correct these errors of fact and omission. Perpetuating the misinformation outlined in this letter through a refusal to correct the record would be a disservice to the communities you represent, your constituents and the natural environment”.

This portion of your letter is particularly insulting to the elected officials in the County of Renfrew. Elected officials reside in the communities they represent and work tirelessly to improve their communities and their environment for their constituents. Through years of experience, they also have first hand knowledge of the impact of poorly drafted legislation and its impact on the use of rural land in Ontario.

Now that you know the information that was presented is correct – and in fact your information is incorrect – in your words, your refusal to “correct the record” would be a disservice to all communities in the County of Renfrew and the Province of Ontario.

Sincerely

Donald Rathwell, Warden
County of Renfrew

NOTE:

- ***In the interests of clarity Ontario Nature remarks quoted above are copied in bold italics.***
- ***Tax exempt charitable status doesn’t support ENGO interference in political land use decisions***
- ***Warden Rathwell’s letter and relevant comment is sure to be widely circulated***

